

**FINAL RESOLUTION R-156 (2003)**

**FINAL RESOLUTION EXERCISING SPECIAL ASSESSMENT  
POWERS PURSUANT TO SECTION 66.0703, WISCONSIN STATUTES**

The Town Board of the Town of Delavan, Wisconsin, having held a public hearing at the Town Hall, 5621 Town Hall Road in the Town of Delavan on June 17, 2003, and continued to July 15, 2003, relative to the installation of concrete curb and gutter on portions of Terrace Street and Dam Road from Franklin Street, north, in both the City of Delavan and the Town of Delavan, and after notice thereof having been given, pursuant Section 66.0703 of the Wisconsin Statutes, and all parties desiring to be heard having been heard concerning matters contained in the preliminary resolution and the report of the Director of Public Works of the City of Delavan.

NOW, THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Delavan hereby determines that the Report of the City of Delavan Public Works Director, be and the same is hereby approved; it is further directed that the improvements therein to be constructed in accordance with the report as finally approved, and that payment thereof be made as therein provided, i.e. by assessing a portion of the cost of said improvements, direct and indirect, and inclusive of reasonable charges for engineering, legal and administrative services, to the abutting property owners; that no part of the cost need be immediately paid in cash, but at the option of the property owner may be paid in cash or in 5 annual installments; that the affected properties listed in the report will all be specially benefited by these improvements; that the proposed assessments shown in the report to be made are reasonable; and that the proposed assessments as shown in said report should be and they hereby are confirmed and so levied;

BE IT FURTHER RESOLVED, That if any of said assessments are paid in installments, said assessments shall bear interest at the rate of 1% above the interest rate charged the City of Delavan in connection with its borrowing to pay the contract costs of this project. Any assessments may be paid in full at any time with interest to date of payment. The property owner may pay the amount of the assessment in full on or before November 15, 2003, without interest, but on failure to pay said assessment on or before that date in full, interest shall commence thereon as of the date of the assessment, being the date hereof.

The Town Clerk is directed to publish this final resolution in the Delavan Enterprise.

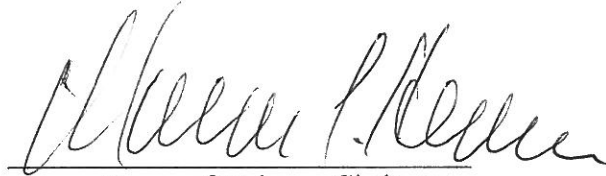
The amount of the assessments as now hereby determined are and shall be subject to:

1. The right of appeal to the Circuit Court, as specified in Section 66.0703(12) of the Wisconsin Statutes. This appeal must be taken within ninety (90) days from the publication of this Final Resolution. An appeal bond must be filed. The outstanding contracts are not affected by the appeal. The Court may affirm the assessments, or may modify the assessments, or award damages and then affirm

the same as so modified. The Statutes provide that the appeal is the sole remedy.  
The appeal may not be taken unless the assessment is first paid;

2. A possible refund as provided in Section 66.0703(11), Wisconsin Statutes;
3. A possible re-determination as provided in Section 66.0703(11), Wisconsin Statutes.

Dated this 15 day of July, 2003.



Town of Delavan Chairman

Attest:



Town Clerk